IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8867 of 1990

For Approval and Signature:

Hon'ble CHIEF JUSTICE MR DM DHARMADHIKARI and

MR.JUSTICE C.K.THAKKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RH PANDYA EDU TRUST

Versus

PADMABEN M TRIVEDI

Appearance:

1. Special Civil Application No. 8867 of 1990

MR AK CLERK for Petitioner

MS MAMTA VYASfor Respondent No. 1

MS MANISHA LAVKUMAR,AGP. for Respondent No. 2

CORAM : CHIEF JUSTICE MR DM DHARMADHIKARI and

MR.JUSTICE C.K.THAKKAR

Date of decision: 10/02/2000

ORAL JUDGEMENT

Per Thakker, J:

This petition was admitted in 1990. Interim order was passed. The matter is taken up for final hearing today.

Mr. A.K.Clerk for the petitioner stated that constitutional validity of Gujarat Primary Education Tribunal (Procedure) Order, 1987 has been challenged. He, however, stated that an interim order was passed by the Tribunal against which the present petition is filed. It was stated by Ms Mamta Vyas for the respondent-teacher that the main matter has been placed for hearing before the tribunal.

In our opinion, when the main matter is likely to be heard by the tribunal, it will be in the interest of justice to continue interim order granted by this Court on April 20, 1991 till final disposal of the application pending before the Gujarat Primary Education Tribunal. We are not expressing any opinion on the validity or otherwise of 1987 Order in view of the statement made by Ms Mamlta Vyas. We also state that interim order passed by this Court on April 20, 1991 will continue until final disposal of the application. The Tribunal will decide the application as expeditiously as possible preferably before June 30, 2000. We may state that contentions are left open as it is stated that some other petitions are also pending in this Court on the question. As and when the question will come up before this Court, it is open to the parties to take all contentions available to them.

Petition is accordingly disposed of. Rule discharged. No costs.

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parekh